

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF
PROPOSED ADOPTION OF RULES, REGULATIONS,
POLICIES, PROCEDURES, AND OTHER MATERIALS
RELATING TO THE ADMINISTRATION OF THE PROGRAMS LISTED BELOW:

In accordance with Title 42, Chapter 35, of the General Laws of the State of Rhode Island, notice is hereby given that the Department of Human Services (DHS) proposes to adopt rules, regulations, policies, procedures, and other materials relating to the programs listed below.

NOTICE OF PUBLIC HEARING
ON
MONDAY, JULY 17, 2006

THE HEARING WILL BEGIN AT 1:00 P.M. AND WILL CONCLUDE
WHEN THE LAST SPEAKER FINISHES TESTIMONY, OR AT 7:00 P.M.,
WHICHEVER OCCURS FIRST

COMMUNITY COLLEGE OF RHODE ISLAND
400 EAST AVENUE
ROOM 2510
WARWICK, RHODE ISLAND 02886-1807

This hearing will provide reasonable opportunity for all interested persons to submit data, views, or arguments, orally or in writing, on the following proposed changes in the Department of Human Services' Child Care Assistance Program, Family Independence Program and Medical Assistance Program policies resulting from legislative enactments, including but not limited to the State's Fiscal Year 2007 Budget; as well as changes in the RItE Smiles Dental Plan.

CHILD CARE ASSISTANCE PROGRAM

As a condition of eligibility for Child Care Assistance, the applicant must cooperate with the Office of Child Support Services in establishing paternity and in establishing and/or enforcing child support and medical support orders for all children in the applicant family.

No family shall be eligible for Child Care Assistance if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000.00).

For any child(ren) of member(s) of reserve components called to active duty during a time of conflict, eligibility for Child Care Assistance shall be frozen with regards to family composition and family income as it was in the month prior to the month of leaving for active duty. This shall continue until the individual is officially discharged from active duty.

Families with countable income in excess of one hundred fifty percent (150%) of the Federal Poverty Level (FPL) will have a 1% reduction in family share co-payment level. DHS Level 3 co-payments (over 150% through 185% of FPL) will decrease from 8% to 7% of countable income. DHS Level 4 co-payments (over 185% through 200% of FPL) will decrease from 12% to 11% of countable income. DHS Level 5 co-payments (over 200% through 225% of FPL) will decrease from 16% to 15% of countable income. All other payment levels remain the same (DHS Levels 0, 1 and 2).

FAMILY INDEPENDENCE PROGRAM

The limitation of 60 months of eligibility for cash assistance shall include any time receiving family cash assistance (TANF benefits, or benefits provided under any program similar to the Family Independence Act or the federal TANF program) in any other state or territory of the United States of America.

An applicant must enter into an individual employment plan within thirty (30) days of filing an application for assistance, as a condition of eligibility to receive cash benefits. This rule shall apply to all applications filed on or after July 1, 2006, and to current recipients at their next redetermination of eligibility on or after July 1, 2006. In the case of a family including two (2) parents, the Department may develop an employment plan for any parent not otherwise required to enter into an employment plan if the parent so requests.

Closure of the family's cash assistance case will take effect after six (6) months of non-compliance by the parent with his/her individual employment plan. This is reduced from eighteen (18) months.

For a one-parent family, beginning with the twenty-fifth (25th) month of the employment plan: a) at least twenty (20) hours per week shall be in work activities which may include a supervised

individual or group job search or participation in an approved rapid job placement program, not to exceed four (4) consecutive weeks or six (6) total weeks in a twelve-month period; and b) ten (10) hours of the thirty (30) hour per week activity in an individual employment plan may be used for activities designed to help the applicant obtain or maintain unsubsidized employment or to increase the applicant's earning potential.

In the case of a family consisting of two (2) parents, beginning seven (7) days following completion of the individual employment plan(s), one parent shall be engaged for at least thirty-five (35) hours per week during the month, in approved employment plan activities. Not fewer than thirty (30) hours per week of these activities will be attributable to work activities, which may include a supervised individual or group job search or participation in an approved rapid job placement program not to exceed four (4) consecutive weeks or six (6) total weeks in a twelve-month period. If during any month, a parent required to comply fails without good cause to do so, the second parent included in the family, unless otherwise exempt, shall be required to comply with the prescribed work requirements, and the family shall continue to be required to comply with work requirements as apply to a two (2) parent family. Further, any family in which one (1) parent is incapacitated or disabled will be required to comply with work requirements as apply to a two (2) parent family.

MEDICAL ASSISTANCE PROGRAM

To modify the Extended Medical Assistance program to decrease the period of eligibility from eighteen (18) months to twelve (12) months.

The Department of Human Services will utilize a preferred drug list. If an individual requires a drug that is not listed on the preferred drug list, it will be necessary for the individual to obtain prior written approval from DHS. Also, individuals receiving fee-for-service Medicaid will be required to pay a co-payment for each prescription that they purchase. The following individuals are exempt from the co-payment requirement: individuals residing in institutions such as nursing facilities, children under eighteen (18) years of age, individuals eligible for the Breast and Cervical Cancer Program and pregnant women.

No family shall be eligible for the RItE-Care program if the combined value of its liquid resources exceeds ten thousand dollars (\$10,000.00) Pregnant women and children with disabilities who are otherwise eligible for Medical Assistance coverage as categorically needy under Section 134(a) of the Tax Equity and Fiscal Responsibility Act of 1982 [federal P.L. 97-248], commonly known as Katie Beckett eligible, upon meeting the requirements established in Section 1902(e)(3) of the federal Social Security Act are exempt from this resource limit.

The RItE Smiles Dental Program will be revised to include that the Department of Human Services will contract with one (1) or more dental plans; that if there is more than one (1) dental plan, applicants/beneficiaries will have a choice of dental plan; members who are disenrolled from RItE Smiles due to a loss of eligibility will be re-enrolled into the same dental plan should they regain eligibility within sixty (60) days.

Interested persons may inspect said proposed rules, regulations, policies, procedures, and other related materials on the Department of Human Services website at www.dhs.ri.gov, or in the Office of Policy Development, Department of Human Services, Louis Pasteur Building, Bldg. 57, Howard Avenue, Cranston, Rhode Island 02920, between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.

Interested persons may submit data, views, or written arguments to the Office of Legal Counsel, Department of Human Services, Louis Pasteur Building, Bldg. 57, 600 New London Avenue, Cranston, Rhode Island 02920, within thirty (30) days of the date of this notice. After the close of the 30 day comment period, the foregoing proposed rules, regulations, policies, procedures, and other materials shall become effective twenty (20) days after filing with the Secretary of State, or at such later date as may be specified in the final rule, in accordance with the provisions of section 42-35-4(b) of the Rhode Island General Laws, as amended.

A fiscal note is available upon request. In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information. (Complies with 42-35-3(3).) The health, safety and welfare of the public preclude any economic impact that may be incurred as a result of these regulations.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing has been scheduled at the Community College of Rhode Island, Knight Campus, Warwick, RI. CCRI is accessible to individuals with disabilities. Persons requesting language interpreter services may call 462-2018 (Voice). Individuals with hearing impairments may request an interpreter's presence by calling 711 or Relay RI 1-800-745-6575 (Voice) and 1-800-745-5555 (TDD). For further information on special needs, call the Policy Office at 462-2018 (Voice). These numbers are available Monday through

Friday between 8:30 am and 4:00 pm. Requests for language interpreter services must be made at least seventy-two (72) hours in advance of the hearing date.

The seating capacity of CCRI will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

Donald L. Carcieri
Governor

Ronald A. Lebel
Director